

2. **LEGISLATION AND EXECUTIVE ORDERS**

A. **Climate Stewardship Act (H.R.4067)**

On March 30, 2004, Congressmen Wayne T. Gilchrest (R-MD) and John W. Olver (D-MA) introduced, for themselves and other co-sponsors, the Climate Stewardship Act (H.R.4067) in the U.S. House of Representatives. The legislation, as introduced, is intended to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas (GHG) emissions in the United States by establishing a market-driven system of GHG tradable allowances, to reduce dependence upon foreign oil, and to ensure benefits to consumers from the trading of GHG allowances, and for other purposes.

Topics addressed include: abrupt climate change research; development of new measurement technologies; enhanced environmental measurements and standards; technology development and diffusion; agricultural outreach program; reporting on climate change effects; national GHG database and registry; inventory of GHG emissions for covered entities; GHG reduction reporting; measurement and verification; submission of allowances for GHG emissions; compliance; borrowing against future reductions; other uses of tradeable allowances; exemption of source categories; establishment of tradeable allowances; determination of tradeable allowance allocations; allocation of tradeable allowances; and ensuring target adequacy. Commencing in 2010, the legislation would cap GHG emissions of the electricity, transportation, industrial, and commercial economic sectors at the 2000 level, while providing for market-based trading of emission allowances.

For further information, contact Mr. Nikki Roy, Pew Center on Global Climate Change, Suite 550, 2101 Wilson Boulevard, Arlington, VA 22201, telephone: (703) 516-0633, electronic mail: royn@pewclimate.org, or refer to the Pew Center's Internet Web Site: <http://www.pewclimate.org>. A copy of the bill, as well as information on its current status, can be obtained from the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.

B. **Clean Cruise Ship Act (H.R.4101 and S.2271)**

On April 1, 2004, Senator Richard Durbin (D-IL) and Congressman Sam Farr (D-CA) introduced, for themselves and other co-sponsors, identical bills (S.2271 and H.R.4101), the Clean Cruise Ship Act of 2004, in the U.S. Senate and the U.S. House of Representatives, respectively. Topics addressed by this legislation include: prohibitions and conditions regarding the discharge of sewage, graywater, or bilge water; effluent limits for discharges of sewage and graywater; inspection and sampling; employee protection; judicial review; enforcement; citizen suits; Alaskan cruise vessels; ballast water; funding; and effect on other law.

This legislation, as introduced, would establish discharge standards for cruise ships operating in waters of the United States, would place observers on cruise ships, would impose a user fee on the ships, and would establish civil and criminal penalties for violations. The legislation seeks to: (1) prevent the discharge of any untreated sewage or graywater from a cruise vessel entering

ports of the United States into waters of the waters of the United States; (2) prevent the discharge of any treated sewage, sewage sludge, graywater, or bilge water from cruise vessels entering ports of the United States into the territorial sea; (3) establish new national effluent limits and management standards for the discharge of treated sewage or graywater from cruise vessels entering ports of the United States into the exclusive economic zone of the United States in any case in which the discharge is not within an area in which discharges are prohibited; and (4) ensure that cruise vessels entering ports of the United States comply with all applicable environmental laws.

A copy of the legislation, as well as information on its current status, can be obtained from the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.

C. Maritime Transportation Security Act of 2004 (S.2279)

On April 1, 2004, Senator Ernest Hollings (D-SC) introduced, for himself and other co-sponsors, the Maritime Transportation Security Act of 2004 (S.2279) in the U.S. Senate. The bill would amend the Maritime Transportation Security Act (MTSA) of 2002. It addresses such issues as: in rem liability for civil penalties and certain costs; enforcement by injunction or withholding of clearance; pier and wharf security costs; maritime information; intermodal cargo security plan; joint operations center for port security; maritime transportation security plan grants; assistance for foreign ports; federal and state commercial maritime transportation training; research and development; nuclear facilities in maritime areas; transportation worker background investigation programs; security service fee; and port security capital fund.

The bill, as introduced, would establish a port security user fee. In addition, it would make any vessel subject to the MTSA liable in rem for any civil penalty assessed under the Act as well as for any reimbursable costs incurred by a valid claimant related to implementation and enforcement of the Act. Valid claimants would include port authorities, facility and terminal operators, and shipping agents, as well as government agencies. Reimbursable costs would include detention costs of vessel crew and costs of required handling under lawful order of cargo or other items on board the vessel.

A copy of the legislation, as well as information on its current status, can be obtained from the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.

D. Great Lakes Interagency Task Force (E.O. 13340)

On May 18, 2004, President George W. Bush signed Executive Order 13340, Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes. E.O. 13340 establishes the Great Lakes Interagency Task Force whose members include the Administrator of the Environmental Protection Agency (chair), the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of

Transportation, the Secretary of Homeland Security, the Secretary of the Army, and the Chairman of the Council on Environmental Quality.

E.O. 13340 describes the Great Lakes as a national treasure constituting the largest freshwater system in the world. The United States and Canada have made great progress addressing past and current environmental impacts to the Great Lakes ecology. The federal government is committed to making progress on the many significant challenges that remain. The Task Force will address environmental and natural resource issues of national concern and better coordinate the Great Lakes region's sustainable development and restoration. It will harness the collective efforts of the federal government, governors, mayors, members of Congress, tribes, and citizen stewards to ensure that the greatness of the Great Lakes endures for generations. The Task Force will also consult with the Government of Canada on the most effective way forward on addressing past and current environmental impacts to the Great Lakes ecology.

For further information, refer to the White House Internet Web Site: <http://www.whitehouse.gov>.

E. Marine Debris Research and Reduction Act (S.2488)

On June 2, 2004, Senator Daniel Inouye (D-HI) introduced, for himself and other co-sponsors, the Marine Debris Research and Reduction Act (S.2488) in the U.S. Senate. The bill would: (1) establish programs within the National Oceanic and Atmospheric Administration and the U.S. Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other federal and non-federal entities; (2) re-establish the Interagency Marine Debris Coordinating Committee to ensure a coordinated government response across federal agencies; (3) develop a federal information clearinghouse to enable researchers to study the scale and impact of marine debris efficiently; and (4) take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health and navigation safety. It is a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems. Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

A copy of the legislation, as well as information on its current status, can be obtained from the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.

F. Ballast Water Management Act of 2004 (S.2490)

On June 2, 2004, Senator Daniel Inouye (D-HI) introduced, for himself and Senator Ted Stevens (R-AK), the Ballast Water Management Act of 2004 (S.2490) in the U.S. Senate. The bill would

amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes. The legislation has a number of inconsistencies with the recently developed International Maritime Organization's International Convention for the Control and Management of Ships' Ballast Water and Sediments, such as significantly more stringent ballast water treatment standards.

Among the bill's findings are: (1) the introduction of aquatic invasive species into the nation's waters is one of the most urgent issues facing the marine environment in the United States; (2) the direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars per year; (3) invasive species are thought to have been involved in 70 percent of the last century's extinctions of native aquatic species; (4) ballast water from ships is one of the largest pathways for the introduction and spread of aquatic invasive species; (5) over 2 billion gallons of ballast water are discharged in U.S. waters each year; (6) ballast water has been found to transport not only invasive plants and animals but human diseases as well, such as cholera; (7) current federal programs are insufficient to effectively address this growing problem; and (8) preventing aquatic invasive species from being introduced is the most cost-effective approach for addressing this issue, because, once established, they are costly and sometimes impossible to control.

A copy of the legislation, as well as information on its current status, can be obtained from the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.